

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

TRANSFER PETITION (Civil) No.344/2024

REENU WAGAV

PETITIONER

VERSUS

SIDDHARTHA WAGAV

RESPONDENT

ORDER

1. Read the office report dated 25th October, 2024.
2. The marriage between the petitioner, Reenu, and the respondent-husband, Siddhartha, was solemnized on 09th November, 2008. Two sons were born from the wedlock. However, the parties have since drifted apart owing to differences having arisen between them.
3. The petitioner by filing this petition under Section 25 of the Code of Civil Procedure, 1908, has sought for transfer of Matrimonial Case No.2552/2019 titled as “Siddhartha Wagav vs. Reenu Wagav”, from the court of the Principal Judge, Family Court, Meerut, Uttar Pradesh to the court of the Principal Judge, Family Court, Saket, New Delhi on the multiple grounds raised therein.
4. The respondent is a judicial officer belonging to the Uttar Pradesh Higher Judicial Service and because of his position and proximity with other judicial officers, the petitioner apprehends that while contesting the divorce case instituted by the respondent and also in pressing her claim for maintenance, she is unlikely to get a fair treatment from the Court. The same sentiment was expressed by a coordinate Bench of

this Court on 16th February, 2024, when this transfer petition was entertained.

5. Justice must not only be done; it must be seen to have been done¹.

6. Bearing in mind this universal truth, we see no reason to decline the prayer for transfer.

7. At this stage, learned counsel appearing for the respondent submits that another proceeding, instituted by the respondent for custody of the younger son under Section 25 of the Guardians & Wards Act, 1890², is pending before the court of the Additional Principal Judge, Family Court No.1, Meerut. It is prayed that since the divorce proceeding case is being transferred, the said application filed under the 1890 may also be transferred to the same Court.

8. Hence, the transfer petition is allowed. Matrimonial Case No.2552/2019 titled "*Siddhartha Wagav vs. Reenu Wagav*" pending before the court of the Principal Judge, Family Court, Meerut, Uttar Pradesh and the proceeding instituted under Section 25 of the 1890 Act numbered as Case No.1 of 2017, for the custody of the younger son, which is pending before the court of the Additional Principal Judge, Family Court No.1, Meerut, Uttar Pradesh, in exercise of power conferred by Article 142 of the Constitution of India, are transferred to the court of the Principal Judge, Family Court, Saket, New Delhi. Records of Matrimonial Case No.2552/2019 and Case No.1 of 2017 be transferred to the transferee court immediately.

9. To avoid delay, the parties are directed to appear before the

¹ Lord Hewart, Chief Justice of England

² 1890 Act

transferee court on 10th December, 2024. If any or both the parties fail to appear on that day, the presiding officer of the transferee court will fix another date of appearance. Thereafter, he shall be free to proceed in accordance with law.

10. The presiding officer shall endeavour to bring about a settlement between the parties through the process of mediation. If the process is unsuccessful, nothing shall preclude the presiding officer to take the proceedings to its logical conclusion on its merits and in accordance with law.

11. If the respondent is unable to attend the proceedings in person on any occasion, he will be at liberty to seek permission to attend through the virtual mode and if such a permission is sought, the presiding officer of the court may proceed to consider it reasonably.

12. Pending application(s) stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(PRASHANT KUMAR MISHRA)

**New Delhi;
November 04, 2024.**

ITEM NO.2

COURT NO.16

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition (Civil) No.344/2024

REENU WAGAV

Petitioner

VERSUS

SIDDHARTHA WAGAV

Respondent

[MEDIATION REPORT RECEIVED]

(With I.A. No.31851/2024-EX-PARTE STAY and I.A. No.31850/2024-
EXEMPTION FROM FILING O.T.)

Date : 04-11-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Ms. Dacchita Shahi, AOR
Mr. Bhanu Gupta, Adv.
Mr. Akshat Singh, Adv.
Mr. Adeem Ahmed, Adv.
Mr. Utkarsh Kandpal, Adv.
Mr. Ishaan, Adv.

For Respondent(s) Mr. Rahul Gupta, Adv.
Ms. Sakshi Kakkar, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The transfer petition is allowed in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

(RASHMI DHYANI PANT)
COURT MASTER (SH)

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)

(signed order is placed on the file)